App. F. IX-4

1949-50
(CB)

File No. 388-49

Serial Nos. 1-4

Previous References.

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 4

Part B for June 1950

SUBJECT

Conduct of Sub-Ordinate Magistrate Shimoga, in regard to Correspondence under the High Court

D.O. No. 4502/CB dt. 21.6.50

To

The D. C
Shimoga Dist
Shimoga

Jm 7/7/50

Conduct of Subordinate Magistrate, Shimoga, in regard to correspondence direct with the High Court

General and Revenue Secretariat | File No. | of 195 3097 C.B. | [App. F. III—2

Serial No.

P.W.D.

D.O. letter No. J.I. H.A. 61/49-50 dated 15.1.50 from the Dy. Commr., Shimoga Dist. reporting the conduct of Sri C. Ramaswamy, Subordinate Magistrate of Shimoga Dist. in regard to correspondence direct with the High Court on a matter which falls within the jurisdiction of the Dy. Commr. and Accommodation Controller, Shimoga Dist.

1) Submitted for perusal and orders.

Mg[te]
2/2/50.

2) Sri C. Ramaswamy is a Munsiff doing duty as Spl. I Class Magistrate, Shimoga, and as such does not seem to be free to address the High Court direct bypassing the Dist. Mg[te] to whom he is subordinate.

3) The Dt. Mg[te] takes a serious view of the matter and says that the Magistrate's Conduct is subversive of official discipline and prejudicial to the proper discharge of the duties of the Dt. Magistrate and Accommodation Controller.

4) As this relates to the Conduct of a Judicial Officer, the D.C. in his Capacity as D.M. may perhaps address the High Court bringing to their notice the objectionable Conduct on the part of a Magistrate who is expected to work

NOTE—Contn. Sheet.
WD 4509—GBPM—1,000—28-10-40.

Conduct of Sub Ordinate Magistrate, Shimoga in regard to Correspondence with the High court. dtd 30/1/50

File No. of 195 General and Revenue Secretariat

Serial

under his Control and make a reference to Govt. later if necessary.

5) The Magistrate in question does not appear to be correct in having addressed the High Court by passing the Dt. Magistrate. Sri C. Ramaswami has put in a service of more than five years and he is expected to be in the know of the mass of correspondence & instructions. The matter may perhaps be brought to the notice of the High Court and their opinion called for

Chief Secy) Kemk 7/2/50

6 7/2/50

Chief Secy) 7 Kemk 7/2/50

8 7/2/50

Submitted

9 Draft letter to the Registrar, H.C. is put up for approval.

10 Drawn 9/2/50

9.2.50. issued letter No 596/C-B dated 11-2-50 to the Regr H.C. calling for the opinion of the H.C.

CHIEF SECRETARY 7480 FEB 13 GOVT. OF MYSORE

Office of the Hon'ble Minister

No 6312

Date 6/2/50

Conduct of Subordinate Magistrate, Shimoga in regard to correspondence direct with the High Court.

[App. F .III-2

General and Revenue Secretariat

File No. 3097/458 of 19

Serial No.

P.U.D.

D.o. letter No. R.O.C. 592/49-50 dated 24/25th Apr. 50 from the Registrar, H.C. stating that the Chief Justice has asked the Magistrate to send such communications through the Dist. Magistrate in future and that the Chief Justice is of opinion that the matter may now be dropped.

11 Chief Secy's note on p.U.D.

References.

Std) K.S. 25/4/50.

12 Submitted with references in para 11 supra — for perusal and orders as to whether the matter may be dropped as suggested and the D.C. Shimoga informed accordingly.

Kbs 26/4/50.

Chief Secy)

13 Kmk 26-4-50

26.4.50.

14 Refd. paras 2 & 7.

Sri. Ramaswami may be written to by the H.C. to say that the course of action taken by him was wrong, the D.C. may be intimated, & the matter closed.

Chief Secy)

26/4 Kmk 27.4.50

15 Kbs 29/4/50

29.4.50. Kmk 1/5/50.

C.H.No. 848 A/27/4/50

Note.—Contn. Sheet.

Conduct of Subordinate Magistrate Shimoga in regard to correspondence direct with the H.C.

File No. of 19 458 √1351 General and Revenue Secretariat

C.B.

Serial No.

Submitted

16) Draft letter to the Registrar, H.C. is put up for approval.

Chief Secy.) 17) KMR 1.5.50

1/5/50

18) May is true.

1.5.50. 19) We shall advise D.C. of the action taken after we hear from the High Court.

2/5/50

CHIEF SECRETARY 1066 2 MAY 1950 GOVT. OF MYSORE

Issued letter no. 1461/C.B. dated 2.5.50 to the Regr., H.C. stating that before dropping the matter, Sri C. Ramaswamy may be informed confidentially that the course of action taken by him was wrong.

KMR 2/5/50

43

A.

D.O. letter No. R.O.C. 595/49-50 dated 13.6.1950 from the Registrar, H.C. of Mysore stating that Sri C. Ramaswamy has been informed that the course of action taken by him was wrong.

Submitted

21) It is reported by the Regr, H.C. that Sri C. Ramaswamy has informed that the course of action taken by him was wrong.

22) Draft D.O. letter to D.C. Shimoga as per para 19 supra is put up for approval or other orders.

Chief Secy.) KMR 20/6/50

17/6/50

CHIEF SECRETARY 2591 20 JUN 1950 GOVT. OF MYSORE

20/6 20/6/50

17.6.50.

VD 06880—GJB—25,000—26-7-49

Conduct of Sub-ordinate Magistrate, Shimoga in regard to correspondence direct with the H.C.

458 √1351
C.B.

Issued D.O. letter no. 4592/C.B. dated 21-6-50 to the Dy. Commr, Shimoga stating that Sri C. Rameswamy, Spl 1st class Magistrate Shimoga has been informed confidentially by the High Court that the course of action taken by him was wrong.

B

3094
CB

D.R.Srinivasachar, B.Sc(Hons).,
Deputy Commissioner.

Office of the Deputy Comm.
and District Magistrate,
Shimoga District.
Dated Shimoga, the 15th January 50

No.Jl.H.A.61/49-50.
Encl::One.

Confidential

Dear Sir,

I write to bring to the notice of Government, for such action as may be called for, the conduct of a subordinate Magistrate of this District in regard to correspondence direct with the High Court on a matter which falls within the jurisdiction of the Deputy - Commissioner and Accommodation Controller.

The Magistrate in question, Sri.C.Ramaswami, addressed my predecessor on 6-4-1949 stating that the building in which his Court is at present located and which has been rented out from one Janab B.S.Mahmood, was very dilapidated and that the Court required to be shifted immediately. He also suggested a building which was likely to fall vacant and which belonged to a local gentleman, Sri.Hosudi Venkata Sastry. During the time of my inspection of the Court in June last after I took charge, the matter was brought to my notice also, and it was found that though the building was not likely to collapse as apprehended by the Magistrate, having been in the present condition for some years past, it did require certain essential repairs and it appeared that it might on the whole be desirable to shift the Court itself. The building indicated by the Magistrate was, however, not vacant at the time and after it actually became vacant, it was inspected by me jointly with the Magistrate, the Executive Engineer and the owner of the building. It was found that the building was pretty large, consisting of two storeys, and that it would be possible, with certain essential changes, to have both the 1st and 2nd Magistrate's Courts there. It was considered necessary in this connection to have a number of alterations, such as putting up of the dias, shifting the stair-case and so on, which were estimated by the Executive Engineer to cost about five thousand rupees. The owner appeared inclined at the time to effect the alterations which were proposed and which were considered absolutely necessary for locating the Courts therein; and the building was accordingly earmarked for the Courts, though provisionally in view of the fact that the reaction

(next page please)

action of the members of the Bar for the proposed change was not favourable on the ground of a little distance from the other Courts. The building actually became vacant on 29-11-49, and the owner thereafter said he would not be in a position to effect such large-scale changes involving heavy expenditure. He communicated his inability on 12-12-49, and in view of this, enquiries were made if any other offices situated in Shimoga would require the building, as it was eminently suited for locating an office. The Special Officer, Lakkavalli Reservoir Works, who was addressed in the matter, having stated that he did not want the building, and an application having been received in the meantime i.e, on 14-12-49, from the Executive Engineer, Electrical Division, Shimoga, for allotting the building for his office, the building was allotted to the latter office under the House Rent Control Order and in my capacity as Accommodation Controller. Sometime after this, the Magistrate saw me in person during this month, and also addressed a D.O.letter to me saying that as the condition of his Court building was bad, the building referred to might be allotted to the Courts with certain minor alterations which he stated the owner had agreed to effect. He was informed that the allotment order would stand for the time being and that in the meantime he might obtain the consent in writing of the owner to effect the alterations specified by him. These alterations have not yet been specified and an express consent of the owner to such enumerated alterations has not also been obtained so far, though there is a vague letter from the owner that he has effected certain repairs.

I furnish the above facts just for providing the necessary background to the case. In the meantime, the Magistrate, without my knowledge, addressed the High Court on 4-1-1950 asking for what amounts to a stay order from the High Court in respect of an order passed by me in my capacity as Accommodation Controller. I am enclosing a copy of his letter to the High Court, which has been copied to me by the latter, with a direction that the building to which the court was proposed to be shifted may not be disposed of otherwise pending inspection of the Courts at Shimoga by the High Court. It may be mentioned in the first instance that the Magistrate knew full well the course of things in

(next page please)

in the case and that the matter had not been finally decided here by me, and also that he had been asked to furnish certain particulars. In the second place, he must also have known that the High Court may not have liked to interfere in a matter like this where certain executive functions are discharged by the Accommodation Controller and where, even if the Magisterial functions of the District Magistrate come into play, the latter could be expected to keep in view the best interests of the Court in question and act accordingly. There is also the fact that under the Accommodation Control Order, the question of allotment and occupation cannot in reason or in law be prolonged unduly and could only be deferred at the risk of some one of the Government Departments having to pay the rent for the interim period even without the actual occupation of the building.

However, now that the High Court have asked that the matter be stayed and in view of the proposed inspection of the Court by the High Court on the 19th, I have, in deference to the instructions of the High Court, asked both the owner and the allottee to the building, not to take further action before hearing from me again. Apart from a consideration of the need for or appropriateness of shifting the Court premises to the other building, to which I shall not enter pending the proposed inspection of the High Court, I cannot help bringing to notice the insubordinate attitude of of the Magistrate in as much as he chose to address the High Court in a matter which was awaiting final decision by me as Accommodation Controller. Even if the matter invoked the relationship between the District Magistrate and the Subordinate Magistrate, as is not altogether the case in this instance, the Magistrate would have had no excuse whatsoever to correspond with the High Court direct. It seems that his conduct is subversive of official discipline and prejudicial to the proper discharge of the duties of the District Magistrate and Accommodation Controller.

I request that such notice of the Magistrate's conduct may be taken as Government might be pleased to deem fit.

Yours sincerely,

15.1.50.

Sri.K.Srinivasan,B.Sc.,
Chief Secretary to Government,
Bangalore.

Letter No.411/49-50 dated 4-1-1950 from the Special First Class Magistrate, Shimoga to the Registrar, High Court of the Mysore, Bangalore.

~~xxxxxx~~

I have the honour to state that this Court is now located in a rented building. The building is so old and is ~~xxxx~~ in such a state of disrepair that it is likely to come down at any moment, causing serious loss to public property and possible loss to human life. There was a proposal to shift the Court to another building very near. But it now appears that the proposal is not likely to be pushed through as that building is required for some other office. I have this day addressed a D.O. to the District Magistrate, regarding the advisibility of shifting this Court to the proposed building. If that building is allotted to some other office there will be no other building available to which the Court can be shifted.

So, I request you to write to the District Magistrate to defer the final decision in the matter pending inspection of this Court by High Court, when it will be possible for the High Court to find out how dangerous it is to continue to have this Court in the present building and to decide about its being removed to the other building

---

"copy"

District Magistrate,
Shimoga District.

AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA

"CONFIDENTIAL"

105 96/CR

Encl: 1

11th February, 50

XXXXXXXXXXX

XXXXXXXXXXXX

The Registrar,
High Court of Bangalore.

I am directed to forward herewith a copy of D.O. letter No.Jl. H.A.61/49-50 dated 15-1-1950 from the District Magistrate, Shimoga regarding the conduct of Sri C.Ramaswami, a Subordinate Magistrate of the Shimoga District in regard to correspondence direct with the High Court on a matter falling within the jurisdiction of the Deputy Commissioner and Accommodation Controller and to request the opinion of the High Court in the matter.

Yours faithfully,

11-2-50

for CHIEF SECRETARY TO GOVERNMENT.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*).

Confidential.
10596/C15
Encl: 1
50

11/2/50

The Registrar,
H. C. Bangalore.

Sir,

I am directed to forward herewith ~~for~~ a copy of D.O. letter no. ~~71~~ H-A. 61/49-50 dated 15-1-50 from the D. M. Shimoga regarding his conduct of Sri. C. Ramaswami, a Subordinate ~~Magistrate~~ Magistrate of the 2nd Class at Shimoga and to request the opinion of the H.C. in the matter.

~~Action should be furnished~~ immediately.

Yours faithfully,

Dy Chief Secy 9.2.50 to Govt
Secy

8.2.50.

in regard to correspondence direct with the High Court on a matter falling within the jurisdiction of the D.C. and the Commutation Controller

R. O. C. No. 592/49-50

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 24th April 1950.

25

FROM

The *Registrar, High Court of Mysore.*

To

The Chief Secretary to Government,
Bangalore.

SIR,

Adverting to your letter No.10596/CB. dated 11th February 1950, forwarding a copy of D.O.letter No.Jl.H.A.61/49-50 dated 15-1-1950, from the District Magistrate, Shimoga, regarding the conduct of Sri C. Ramaswamy, Special First Class Magistrate, Shimoga, in regard to correspondence direct with the High Court on a matter falling within the jurisdiction of the Deputy Commissioner and Accommodation Controller and requesting the opinion of the High Court in the matter, I am directed to state that the Chief Justice had a talk with the District Magistrate on the matter during his inspection visit to Shimoga and that the Magistrate has been asked to send such communications through the District Magistrate in future. The Chief Justice is of opinion that the matter may now be dropped.

Yours faithfully,

DEPUTY REGISTRAR
(On vacation duty)
FOR REGISTRAR

CHIEF SECRETARY 77 25 APR 1950 GOVT. OF MYSORE

Refer. 25/4/50

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 1461/CB.

General and Revenue Secretariat,

Dated Bangalore, 24th May ..... 1950.

FROM **CONFIDENTIAL**

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar,
High Court of Mysore,
Bangalore.

SIR,

Subject: Conduct of Sri.C.Ramaswamy, Special First Class Magistrate, Shimoga in regard to correspondence direct with the High Court on a matter falling within the jurisdiction of the Deputy Commissioner and Accomodation Controller, Shimoga.

...

With reference to correspondence ending with your letter No.R.O.C.592/49-50 dated 24/25th April 1950 on the above subject, I am directed to state that before dropping the matter Sri.C.Ramaswamy, Special First Class Magistrate, Shimoga, may be informed confidentially if there is no objection that the course of action taken by him was wrong.

A reply would oblige.

Yours faithfully,

for Chief Secretary to Government.

Confl.

G. R. S. App. F. G. 3.]

GENERAL AND REVENUE SECRETARIAT. No. 1461/CS '50

(*Continuation sheet draft form.*)

Dated the 2nd May, 50.

To

The Registrar,
H. C.
Bangalore.

Sir,

Subject: Conduct of Shri C. Ramaswamy, Spl. 1½ Class Magt, Shimoga in regard to correspondence direct with the H. C. on a matter falling within the jurisdiction of the Dy. Comm and Accomodation Controller, Shimoga.

With reference to correspondence ending with your letter no. R. O. C. 592/49-50 dated 24/25 Apl. 50 on the above subject, I am directed to state that Shri C. Ramaswamy, Spl 1½ Class Magt, Shimoga, may be informed that the course of action taken by him was wrong. Confidentially if there is no objection Yours faithfully,

before dropping the matter

A reply wd. oblige.

Chief Secy to Govt

Memo. No. Kmf 1.5.50. Klh Date.

Copy to Confidential file of the officer.

Klh

Copy w/co to the Dy. Comm and Dist Magte, Shimoga for information with ref to his letter no. J1-41-A 61/49-50 dated 15.1.50.

Chief Secy to Govt

WD 06072—GPB—25,000—21-6-49

1.5.50.

B.R.RAMALINGIAH, M.A., B.L.,
REGISTRAR.

D. O.

R.O.C.592/49-50.

CONFIDENTIAL.

1351/CB
Sw 1cln

HIGH COURT
OF MYSORE,
BANGALORE.

13th June 1950.

Dear Sir,

Sub: Conduct of Sri C.Ramaswamy, Special First Class Magistrate,Shimoga in regard to correspondence direct with the High Court on a matter falling within the jurisdiction of the Deputy Commissioner and Accomodation Controller,Shimoga.

With reference to your letter No.1461/C.B.dated 2nd May 1950 on the above subject, I am directed to state that Sri C.Ramaswamy, Special First Class Magistrate,Shimoga, has been confidentially informed that the course of action taken by him was wrong.

Yours sincerely,

REGISTRAR.

Sri K.Srinivasan,B.Sc.,
Chief Secretary to the
Government of Mysore,
BANGALORE.

VGR.

K. SRINIVASAN, B.Sc.,
Chief Secretary to Government.

D.O. No. 4502/CS.

Bangalore,
21st June 1950.

CONFIDENTIAL

Dear Sri.Srinivasachar,

Subject: Conduct of Sri.C.Ramaswamy, Special First Class Magistrate, Shimoga in regard to correspondence direct with the High Court on a matter falling within the jurisdiction of the Deputy Commissioner and Accomodation Controller, Shimoga.

****

With reference to your D.O. letter No.Jl.H.A. 61/49-50 dated 15th January 1950 on the above subject, I am desired to state that Sri.C.Ramaswamy, Special First Class Magistrate, Shimoga, has been confidentially informed by the High Court that the course of action taken by him was wrong.

Yours sincerely

Sri.D.K.Srinivasachar,B.Sc.,(Hons.),
Deputy Commissioner,
Shimoga District,
Shimoga.

Copy to confidential report of the Officer.

116
21/6

Appendix F. G.—1]

SUBJECT..... Conduct of Sri C. Ramaswamy, Spl 1st Class Magistrate, Shimoga in regard to correspondence alleged with the H.C. on a matter falling within the jurisdiction of the Dy. Comm. and Accomodation Controller, Shimoga.

Confidential.

Section

File No.

Serial No.

D.O.

No. 4502/cs.

Diary No. of letter replied to..135/C.B.

Dear Sri Srinivasachar,

With reference to your D.O. letter No. Jl. H.A. 61/49-50 dated 15.1.50 on the above subject, I am desired to state that Sri C. Ramaswamy, Spl 1st Class Magistrate Shimoga has been confidentially informed by the H.C. that the course of action taken by him was wrong.

Yours sincerely,

115/2016.

Chief Secy to Govt.

20/6/50

Sri D. K. Srinivasachar, B.Sc. (Hons)
Dy. Comm, Shimoga Dist
Shimoga.

Copy to the Confl. papers of the Home Dept.

General and Revenue Secretariat

( )

the 19 .

Date of issue.....

Signed by.....

ist of enclosures.....

opied by.....

xamined by.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No.

Dated Bangalore, 2nd May 1950.

FROM CONFIDENTIAL

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar,
High Court of Mysore,
Bangalore.

SIR,

Subject: Conduct of Sri.C.Ramaswamy, Special First Class Magistrate, Shimoga in regard to correspondence direct with the High Court on a matter falling within the jurisdiction of the Deputy Commissioner and Accomodation Controller, Shimoga.

...

With reference to correspondence ending with your letter No.R.O.C.592/49-50 dated 24/25th April 1950 on the above subject, I am directed to state that before dropping the matter Sri.C.Ramaswamy, Special First Class Magistrate, Shimoga, may be informed confidentially if there is no objection that the course of action taken by him was wrong.

A reply would oblige.

Yours faithfully,

M.M. Ramakrishnaiya
for Chief Secretary to Government.

Extra copy